



**REGULAR MEETING
MINUTES
for
April 22, 2002
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Floyd, Gardner, Hendrick, Huerta and Ward

Absent: Commissioners Garcia and Howe

Chairperson Brewer called the meeting to order at 6:05 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Huerta and seconded by Commissioner Hendrick to approve the minutes for the March 2002 monthly meeting and the April 8, 2002 case review meeting. The motion passed unanimously.

Executive Director's Report & Comments

Mr. Williams reported that the City Council would be conducting interviews on April 23rd at 3 p.m. for the CPRC vacancy. He also welcomed to the meeting some Commission applicants who were in the audience.

Mr. Williams mentioned the list of dates for all the CPRC meetings for the remainder of the year. He noted that December's dates would be modified, having only one meeting that month. He asked the commissioners to review all the case review dates and let us know if there were problems with any of them.

Mr. Williams said that the Governmental Affairs Committee was going to meet on May 2nd to do the CPRC's annual review. He asked the commissioners to review the list of suggestions and get back to him by the end of the month if they had anything to add so that he could prepare his presentation to the committee.

Commissioner's Comments

Commissioner Ward suggested that each commissioner be assigned cases on a rotational basis. He said that the commissioners would be responsible for presenting their assigned case to the Commission in closed session. He said that their primary responsibility would be to spend most of their time on the assigned case, taking a cursory look at the other cases. He said that he felt this would give more balanced participation. He asked for discussion if any of the other commissioners felt it was feasible.

Commissioner Huerta said that it was an interesting proposal that hasn't been tried and didn't know if it would work or not. She said she felt it was beneficial to her to have the discussion regarding the cases because other commissioners may pick up something that she missed in her review of the case.

Commissioner Hendrick said that he concurred with Commissioner Huerta's statement. He said that he thinks one of the strengths has been that everyone looks at the cases and wouldn't want to limit the commissioners to a given case. He said he thought it was better that they all look at the cases.

Commissioner Gardner said he found it an interesting concept and is not unlike some other agencies where there is a "hearing officer" who reviews everything and presents it to the board for consideration. He said he felt it his responsibility to review every case as best he can. He said he didn't feel comfortable turning over to other commissioners what he feels is a responsibility that has been placed on him. He said he wanted to keep doing things the way they've been doing them.

Commissioner Ward noted that his suggestion would not preclude the commissioners from reviewing other cases and noted that he was talking about the presenting of the case. He said that because a commissioner presented a case didn't mean they wouldn't be familiar with the other cases.

Commissioner Floyd said that he's not adverse to trying other methods of reviewing the cases and is not adverse to the suggested method as long as it's understood that the commissioners could review other or all cases if they wished.

Commissioner Huerta said she didn't mean to sound like Commissioner Ward's suggestion didn't have merit. She said that she feels each commissioner has a particular strength and could bring more suggestions or constructive criticism to the table, which lends to a broader discussion in closed sessions.

Chairperson Brewer asked if this method might not lend to some commissioners "sloughing off" if someone else has been "assigned" a particular case. Commissioner Hendrick said that was a concern of his.

After some discussion, it was decided to put the suggestion on the May agenda at which time a vote would be taken.

Public Comments

Mr. Rudy Hoffman

My name's Rudy Hoffman. My residence is 4446 Central Avenue in Riverside, California, and I'm here because two police officers on December 22nd failed to perform their functions in their job properly. They were called to an occurrence at Fritts Ford, a dealership where I was requesting some documentation on a vehicle. I was battered and attacked at that dealership while I was sitting in my

vehicle and the officers that came out refused to press criminal charges against the individuals. They refused to secure the evidence at the scene that showed the documentations of the attack on me and I asked for the documentation to be recorded. I then left the residence of Fritts Ford. There were some other people showed up that saw some of this. Part of the conversation is recorded on a cell phone conversation I had to Washington state and the conversation stops when the phone was knocked out of my hand because one of the individuals reached inside the windows and grabbed me.

I then left Fritts Ford and went down and spoke with an attorney who is out of Redwine and Sherrill's, who is a friend of mine, Tom Bernel, who is their litigator. We went over all the incidents. He told me to go back to my house, call the Riverside Police Department and request a thorough documentation of all the statements that I requested.

The first incident occurred at 10:00 in the morning. I went back to my residence, made those phone calls, and six and a half hours later, an officer showed up. I was in the process of going to Seattle, Washington, spend the Christmas with my folks. I went over my demands to have all the evidence secured one more time. I had fingerprints on the vehicle. I had marks on the vehicle. This is a brand new, \$34,000 Ford 4-wheeler. Everything was visible because the car was dirty because I'd just come back from Washington and you could see the fingerprints, you could see the scrapes on the vehicle and at that time, the officer asked me if I'd been hurt and I said, "It feels like my foot's been twisted," because both feet were caught in the door when two individuals were putting all their might on it. He asked me how I was going to drive up to Seattle and I says, "Modern technology. You have cruise control, and it's more important for me to be with my parents because they're extremely elderly and spend Christmas with them." And I said also my insurance policies are in Washington state because I've got out-of-state insurance. And at that time I left, I asked him, "Are you going to document anything?" And he said, "It's all taken care of," and he left. I've got both police reports right now. I picked up the second report today and this is the biggest sandbagging job I have ever seen.

I got an attorney when I got back to California to pursue Fritts Ford and the dealership on the Lemon Law and at that time, the dealership requested that the videotapes of the occurrence, and some of this was under security video, be presented to them. And as you well know, dealing with any legal issue, that if somebody has any evidence, especially on videotape that's going to exonerate them or show that in any way, shape, or form I provoked or instigated or further tried to justify their behavior, that would have been under lock and key. That evidence was thoroughly destroyed. The evidence that the police report was asked to document was destroyed. And this has been before...I've been calling down here for four months. When I talked to the detective that was going to review the case, he told me that if I didn't back off, they would arrest and prosecute me.

Now I'm just getting a little disgusted. You know, if we rely upon the Police Department...I thought their job was to secure evidence, document stuff, and allow the legal parts of this country to perform their duties. Seems to me that your Police Department is litigating cases based on race. The people who attacked me were 19-year-old Mexicans. The officers that investigated the case were Mexican. No evidence exists that I was even attacked. I got a report that I showed Tom Bernel today and he said that there is a few windows open. They do admit that it is a battery. Where's the criminal prosecution? This case has been back and forth for four months. I've got nerve damage to my foot. I've got damage to both ankles where it was caught in the door. I've got damage to my vehicle and nobody is going to pay for it.

Now I'm a little pissed off, just a little pissed off, and I expect you people to hold the Police Department accountable. I expect some decent reports and I'll see what I can salvage myself. But I think as a citizen of this country, I have rights. You know, I called Mike Solkiyo. I have his personal phone number. When I was in Washington, he told me to stay up there and stay out of it because I've got a hot head. Both police reports made me look like I was the instigator. They chose...I didn't raise my voice. I didn't swear.

CHAIRPERSON BREWER – Mr. Hoffman, your time has gone past some way. Let me tell the Commission, we have not yet received this case. It's coming to us, but we have not yet received this case, so once we receive the case, we'll certainly look into it, sir.

MR. HOFFMAN – So when can I expect something?

CHAIRPERSON BREWER – Well, I don't know when we're going to receive the case. Do you?

COMMISSIONER HUERTA – Mr. Hoffman, you have filed a formal, written complaint with the PD?

MR. HOFFMAN – I filed reports. I don't know who I have to file with. I filed reports for an investigation and everything else.

COMMISSIONER HENDRICK – Well, you can do it through us and you can also do it through the Department.

MR. HOFFMAN – Well, I filed it, I think, through the Department. I've got some reports here that I filed asking for an investigation.

COMMISSIONER HUERTA – Would it be inappropriate to ask him to give you some information so he can file with us as a commission?

EXEC. DIR. WILLIAMS – Well, he's already filed a report and it's been investigated. When Mr. Hoffman called me – last week was it or the week before last?

MR. HOFFMAN – Back last week.

EXEC. DIR. WILLIAMS – Yeah. I did some checking. The report was completed but apparently it's been sent back two or three times because it wasn't fully complete and they're trying to get a full and complete report. They didn't give me the nature of the reason it was sent back several times, but it's over in PD still trying to get through their maze and then it'll come over to us. But they didn't know when it was going to come over to us either. I wish I could give you a better time and Mr. Hoffman, I wish I could give you a better time. I just...it'll be done when it's done and hopefully it'll be sooner rather than later, but I think...

MR. HOFFMAN – I spoke with you Monday because I got back Saturday morning.

EXEC. DIR. WILLIAMS – That's right. That's exactly right. So, yeah, and I think we talked – you were up in Washington. The week before that's when we had our initial conversation and then that's when I found the information. So, I haven't received it yet. We're looking for it any time, so I don't know...

COMMISSIONER HUERTA – Can I ask Mr. Hoffman if he has any information that he would like to share with us that he bring to your office so that it can be photocopied so that we do have it?

MR. HOFFMAN – I've got total documentation since the 12th or the...everything that Fritts Ford stated was a lie because there were supervisors watching this attack and then they asked me to leave after the attack occurred and then they disappeared when the Police Department showed up. I was there for approximately an hour and a half waiting for the Police Department to appear and...

COMMISSIONER HUERTA – My concern is that you may have some information that we...might be useful to us, if you could share it with Mr. Williams.

MR. HOFFMAN – I will meet with anybody. I'll be here for a few more days, so if anybody chooses to give me a call, I'll show them what I have.

CHAIRPERSON BREWER – Why don't you give any information you have to the...send it to the Executive Director. It can then be given to the Commission, any written information that you have.

COMMISSIONER HUERTA – They can make photocopies of your documentation so you may keep your originals, but that would at least give us something to have when the report does get to us from the PD.

MR. HOFFMAN – Okay, I'll contact you in the next few days.

EXEC. DIR. WILLIAMS – Alright. That'll be fine. We'll take care of it.

MR. HOFFMAN – Okay. I appreciate it.

EXEC. DIR. WILLIAMS – No problem.

CHAIRPERSON BREWER – Let's see if we can expedite the report.

MR. HOFFMAN – Also, your metal detectors aren't too sensitive. I got metal in these braces on my leg here and it didn't (rest of statement unintelligible).

Ms. Mary Shelton

I thought this gentleman raised a very good point because I have encountered something over the years and that is that there is a lot of confusion in the Police Department about how to press charges against people and how to perform a citizen's arrest. I know of individuals that have tried to perform citizen's arrests for misdemeanors like, there was a... The African-American newspaper, for example, the Black Voice News was being vandalized with hate graffiti every week and when the vandalist was caught red-handed with a spray can, this young gentleman followed him to his house and called the police and these two police officers came out there and they refused to question the man. They refused to search him even though he was on probation for a weapons charge. They interrogated and wanted to search the person that was making the complaint and they told him he was close to being arrested and then they tried to persuade the mother of the suspect to place the man under arrest for stalking her son. And when the sergeant came out there, he explained the citizen's arrest procedure and it was a lot different procedure than the man had gotten from the two officers that showed up initially. And they did take the man into custody. There was never any charges ever filed and when we tried to get a copy of the police report, they refused to hand it over. And it's been like that for a couple years now.

And the other time, I was a witness to a prosecutor who committed a battery against a young man on Main Street and he tried to do a citizen's arrest and he was told he couldn't do one. And I sat there when he...we went to go and make a statement and we got three different explanations from three different officers. One was an officer who was new, one was his training officer, and one was a sergeant who was called in to deal with it. Three entirely different procedures for a citizen's arrest. And we all had to go and make our statements and I had to listen to an hour (?) from the detective and Investigations Bureau of where... They defended everything the prosecutor did, even though he started the argument and he did the battery. They blamed everything that the person making the complaint had...did and they said that I, just for being there, I was breaking a law myself because I was standing there on the sidewalk. So then I later found out, in that case, that the detective was really angry with me and I didn't understand why he was angry with me and I did some checking on

him and found out that he had a 1995 conviction for battery involving his wife. So anyway, that's kind of beside the point, but my experiences and other experiences of people have taught me that when there...I mean there was a misdemeanor committed and a police officer's not there to witness it, the way I understand is that you're supposed to do some sort of citizen's arrest and it doesn't seem to be like...there's a lot of confusion about how...what the process is for doing a citizen's arrest and I was just wondering why these different explanations floating around out there like how long do you have to...what is the maximum amount of time that can pass before they can go and arrest the person, how do you fill out the proper paperwork and just what the general procedure is. So I'm just wondering, since this commission looks at citizen's arrest procedures, what exactly the procedure's supposed to be and if there's a way that it can be made available to people that are trying to do a citizen's arrest.

Thank you.

CHAIRPERSON BREWER – I believe that would be part of the information that's at the city library. Would it not be in the Policy and Procedure manual?

EXEC. DIR. WILLIAMS – Probably. Yeah, that would be my guess. I know there's a policy and procedure regarding citizen's arrest and everything. That should be there and I haven't seen an update so what's there should be good and valid at the public library.

CHAIRPERSON BREWER – That should be at the library, Ms. Shelton. It should be in their Policy and Procedure manual at the library.

EXEC. DIR. WILLIAMS – It should be under Citizen's Arrest or Private Person Arrest. They're called both, in different places. But it should be under...look in the index or the table of contents and it'll either be under – I think Section IV is the procedures and it'll be somewhere in Section IV, if I'm not mistaken.

Give me a call tomorrow or the next day and I'll look it up and I can give you the right site for it.

MS. SHELTON – unintelligible comment

EXEC. DIR. WILLIAMS – Well, you know, the investigation's ongoing, so I really don't...you know, you've heard one side and there's at least two sides to everything. We'll just...the commissioners will have to look at that when it gets to their desk.

Subcommittee Reports

A. Policies & Procedures – Mike Gardner, Chair

Commissioner Gardner said that this subcommittee met last week (week of April 15th), but that a couple members were unable to attend. They had originally talked about a fairly wide range of topics having to do with the Commission's responsibilities with part of the discussion focusing on what was economically feasible in terms of staffing and what could and could not be accomplished without amendments to the ordinance. They ended the meeting deciding to present the Commission with the suggestion that the ordinance be amended to specifically make it the Commission's responsibility to review any instance where an officer fires his service weapon, on or off duty, whether or not a complaint is filed. Commissioner Gardner said that if sounds good to the Commission, he would draft wording and have it placed on the next agenda.

B. Investigator Guidelines – Bill Floyd, Chair

Commissioner Floyd reported that he and Commissioner Ward met on April 8 to develop guidelines for independent investigations by the Commission. He said that there seems to be a consensus among the commissioners that certain types of cases should be investigated by the Commission, but it has not yet been determined what those cases would be. He did say that officer-involved shootings would be one type of case that the Commission would investigate. Commissioner Floyd said that he would develop a draft policy that will be circulated among the subcommittee members and once they agree on that, the draft would be submitted to the Commission as a whole for consideration of action.

Commissioner Floyd also noted that when an investigation has begun, the Commission should be advised and that this would also be addressed in his draft.

C. OIS Procedures – Jack Brewer, Chair

Chairperson Brewer reported that he and Commissioners Floyd and Howe have met once to discuss this issue. He said they are working on developing a new procedure for officer-involved shootings and he hopes to have a written proposal to bring to the next meeting.

Commissioner Gardner said that he felt that the intent of this subcommittee and any policies that come out of it is to look at citizen deaths involving an officer's actions. He suggested that it not be called Officer-Involved Shootings, because a citizen death can occur by other means, but that it be renamed so that it is clear that the Commission is looking at a whole range of citizen deaths involving an officer.

Discuss and vote on the following recommendation to RPD Policy & Procedure

- Modification of all existing policies that pertain to interviewing or photographing victims or witnesses to remind officers that, whenever possible, they should have another officer or family member present to avoid being placed in a compromising situation.

Motion to accept the recommendation was made by Commissioner Ward and seconded by Commissioner Gardner. The motion passed unanimously.

The Commission adjourned at 6:50 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk